

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

THE HUNTINGTON NATIONAL BANK,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00134

KEITH LYLE JOHNSON,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order entered on February 17, 2023, (ECF No. 3), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). Magistrate Judge Tinsley filed his PF&R on June 28, 2024, recommending that this Court dismiss this action, with prejudice, for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b), and failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e). (ECF No. 5.) Alternatively, Magistrate Judge Tinsley recommends that this Court dismiss this action, without prejudice, for lack of subject-matter jurisdiction pursuant to the *Rooker-Feldman* doctrine.

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th

Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

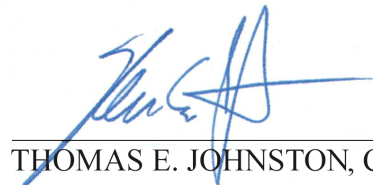
Objections to the PF&R in this case were due by July 15, 2024. (ECF No. 5.) To date, Defendant Keith Lyle Johnson has failed to submit any objections in response to the PF&R, thus constituting a waiver of *de novo* review and his right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 5), and **DISMISSES** this action **WITHOUT PREJUDICE** for lack of subject-matter jurisdiction. The Court further **DIRECTS** the Clerk to remove this matter from the Court’s docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 12, 2024

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE